

### **REMARKS/ARGUMENTS**

Claims 1-15 are pending in this application. Claims 1-15 stand rejected. By this Amendment, claims 1 and 2 have been amended. The amendments made to claims 1 and 2 do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to claims 1 and 2 have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claim 2 stands rejected under 35 USC §112, first and second paragraphs for failing to comply with written description requirement as well as being indefinite. Claim 2 has been amended to recite that only a portion of the mixing tube is arranged inside the pot with the outlet orifice. Thus, the rejection of claim 2 should be withdrawn.

Claims 1, 2, 3, 6, 7, 10, and 12-15 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,139,000 ("Sawert"). Applicants request reconsideration and withdrawal of this rejection.

Among the limitations of independent claim 1 not present in Sawert is "a suction jet pump... an outlet orifice of the mixing tube is arranged in a pot, the pot being directly connected to a side wall of a vertically oriented baffle."

As shown, for example, in Figures 1 and 6 of the present application, a suction pump 9 having a mixing tube 10 arranged in a pot 8, is connected to a baffle 5. In Figure 7, the pot 8 is formed as a portion of the baffle and in Figure 6 the pot is formed inside the baffle. Thus, as recited in the claim and shown in every embodiment of the invention, the mixing tube of the suction jet pump is arranged in a pot that is coupled to a baffle.

As disclosed in the present specification, the claimed suction jet pump has an improved conveyance factor configured to draw fluid through a suction line. The improved conveyance factor is achieved at least in part by a portion of the mixing tube of the suction jet pump being arranged in the pot, the pot arranged so that the suction jet pump does not have to feed against the fuel level in the baffle. This is achieved by the pot being arranged on the vertical baffle.

In contrast, Sawert discloses a jet pump arranged at a bottom of a reservoir. Because Sawert's jet pump is arranged at the bottom of the reservoir, it always has to feed against the entire fuel level of the reservoir. Further, we note that claim 1 explicitly recites a pot connected to a baffle. Sawert fails to disclose a pot. Thus, because Sawert fails to disclose a suction jet pump with an outlet or orifice of the mixing tube arranged in a pot coupled to a baffle, claim 1 and its dependent claims are allowable over Sawert.

Claims 1, 2, 4, 6, 7, 10, and 12 stand rejected under 35 USC §103(a) as being unpatentable over Japanese Reference JP 05-99090 ("JP '090") in view of U.S. Patent No. 6,619,927 ("Becker"). Applicants request reconsideration and withdrawal of this rejection.

Among the limitations of independent claim 1 not present in the cited combination is the pot being directly connected to a sidewall of a vertically oriented baffle.

As disclosed in the present specification and shown for example in Figures 1 and 6, the pot 8 is attached to baffle 5. We note that according to the abstract of JP '090 a jet pump is provided in a tank 9, which is in a tank 15. However, at no time does JP '090 disclose that the tank 9 is fixed to a sidewall of a vertically orientated baffle. Becker fails to cure this deficiency in JP '090 as Becker does not show a pot directly connected to a baffle. Therefore, we believe claim 1 is allowable over the cited combination.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Alfred W. Froebrich/  
Alfred W. Froebrich  
Reg. No. 38,887  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

Dated: November 24, 2009